

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:
EARL C CRABLE
Debtor
Address: 5674 Virginia Lane
Oxon Hill, MD 20745
Last four digits of Social Security No.(s): XXX-XX-7475

BCN #: 19-14079-KHK
Chapter: 7

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: February 5, 2020 at 9:30 AM in Courtroom III, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: January 8, 2020

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire, VSB #23476
Malcolm B. Savage, III, Esquire, VSB #91050
William M. Savage, Esquire, VSB #26155
Mary F. Balthasar Lake, Esquire, VSB #34899
Nicole McKenzie, Esquire, VSB #93990
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 8th day of January, 2020, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Robert R. Weed
Law Offices Of Robert Weed
1376 Old Bridge Rd
Suite 101-4
Woodbridge, VA 22192

Donald F. King
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Earl C Crable
5674 Virginia Lane
Oxon Hill, MD 20745

/s/ Nicole McKenzie

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United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Earl C Crable
Debtor

BCN#: 19-14079-KHK
Chapter: 7

Federal Home Loan Mortgage Corporation,
as Trustee for the benefit of the Seasoned
Credit Risk Transfer Trust, Series 2018-4
Movant/Secured Creditor,

Motion for Order Granting Relief from
Automatic Stay under 11 USC §362

v.
Earl C Crable
Debtor
and
Donald F. King
Trustee
Respondents

Select Portfolio Servicing, Inc., as servicing agent for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2018-4, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 7 Petition in Bankruptcy with this Court on December 15, 2019.

3. That Donald F. King has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. That the subject Deed of Trust secures a parcel of real property (hereinafter “the Property”) with the address of 15106 Kentshire Drive #444, Woodbridge, VA 22191 and more particularly described in the Deed of Trust dated September 28, 2007 and recorded as Deed Instrument Number 200710010110455 among the land records of the said city/county, as:

(Proposed) Unit 444, Phase II, Park Square Condominium at Potomac Club, Declaration recorded in Instrument No. and plat recorded in Plat Book
Being the same property conveyed to M/I Homes of DC, LLC, a Delaware Limited Liability Company by Deed from West Potomac LLC, a Virginia Limited Liability Company dated July 26, 2005, recorded July 26, 2005 in Instrument No. 200507260125281 in the Clerk's Office of the Circuit Court of Prince William, Virginia.

Being the same property conveyed to M/I Homes of DC LLC, a Delaware Limited Liability Company by Deed from West Potomac II LLC, a Virginia Limited Liability Company and West Potomac, LLC, a Virginia Limited Liability Company dated August 4, 2006, recorded September 15, 2006 in Instrument No. 200609150134055 in the Clerk's Office of the Circuit Court of Prince William, Virginia.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That as of December 26, 2019:

- a. The total amount due is \$355,419.52 (not to be relied upon as the payoff),
- b. The total Unpaid Principal Balance is \$344,926.46. It consists of the Unpaid Principal Balance of \$250,636.99 and the Deferred Balance of \$94,289.47.

7. That the Debtor is in default with regard to payments which have become due under the terms of the Note and Deed of Trust.

As of December 26, 2019, the Debtor is due for:

- o 7 monthly payments from June 2019 through December 2019 of \$1,644.15 each which were to be paid directly to Movant;
- o Late Charges of \$64.60
- o Suspense Balance of -\$0.85

8. Movant has elected to initiate foreclosure proceedings on the Property with respect to the Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

9. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

10. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

11. That the Movant has requested that the Court hear this matter on February 5, 2020 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: January 8, 2020

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire

VS#23476

Malcolm B. Savage, III, Esquire

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Chesapeake, Virginia 23320

(703) 449-5800

VABECF@logs.com

Certificate of Service

I certify that I have this 8th day of January, 2020, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Robert R. Weed
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